

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division**

CSX TRANSPORTATION, INC.,
individually and on behalf of NORFOLK
& PORTSMOUTH BELT LINE
RAILROAD COMPANY,

Plaintiff,

v.

Civil Action No. 2:18-cv-530-MSD-RJK

NORFOLK SOUTHERN RAILWAY
COMPANY, *et al.*,

Defendants.

_____ /

**CSX TRANSPORTATION, INC.'S MOTION FOR ENTRY OF
JUDGMENT UNDER RULE 54(b) OR CERTIFICATION UNDER
28 U.S.C. § 1292(b) AND FOR ENTRY OF A STAY PENDING APPEAL**

NOW COMES Plaintiff CSX Transportation, Inc. ("CSXT"), by counsel, and moves this Court for an Order granting entry of judgment on its federal claims under Rule 54(b) of the Federal Rules of Civil Procedure or, in the alternative, to certify the Court's summary judgment and dismissal orders for interlocutory appeal under 28 U.S.C. § 1292(b), and for an Order staying further proceedings pending appeal. In support, CSXT refers this Court to its Memorandum in Support filed contemporaneously herewith.

Dated: February 8, 2023

Respectfully submitted,

CSX TRANSPORTATION, INC.
By Counsel

/s/ Robert W. McFarland

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CERTIFICATE OF SERVICE

I certify that on this 8th day of February, 2023, a true and correct copy of the foregoing was served on all counsel of record via Notice of Electronic Filing by filing with the Court's CM/ECF system.

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